

Message Text

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PAGE 01 PANAMA 01187 01 OF 02 030330Z

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ACTION SS-25

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 3176

S E C R E T SECTION 1 OF 2 PANAMA 1187

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E.O. 11652: GDS

TAGS: PFOR, PN

SUBJECT, U.S.-PANAMA TREATY NEGOTIATIONS: PROPOSED CHANGE IN
PRESIDENTIAL INSTRUCTIONS

FOR AMBASSADOR BUNKER FROM BELL

REF: STATE 45935

I. THE DEFENSE DEPARTMENT'S REACTION TO THE SECRETARY'S MEMORANDUM
FOR THE PRESIDENT IS NOT SURPRISING TO THE DEPUTY AND ASSISTANT
NEGOTIATORS. IT ONLY CONFIRMS THAT THE CHIEF NEGOTIATOR CAN
ADD ANOTHER NOTCH TO HIS BELT. FOLLOWING ARE SOME PERSONAL
THOUGHTS WHICH YOU AND ASSISTANT SECRETARY ROGERS MAY WISH
TO CONSIDER AS YOU PLAN ANY APPROACH THAT MAY BE APPROPRIATE
TO THE SECRETARY OR THE NATIONAL SECURITY COUNCIL RESPECTING
THE DEFENSE DEPARTMENT'S REACTION.

II. FOR THESE REASONS, SOME MEASURE OF NEGOTIATING FLEXIBILITY ON
THE ISSUE OF THE DURATION FOR CANAL DEFENSE WOULD SEEM PRUDENT:

A. A 50-YEAR PERIOD MAY BE A LITTLE TOO MUCH FOR PANAMA TO SWALLOW.
BUT PANAMA MIGHT BE LED TO SWALLOW A SOMEWHAT SHORTER PERIOD--SAY,
SOMETHING BETWEEN 40 AND 49 YEARS. IT WOULD NOT SEEM ADVISABLE
FOR THE PRESIDENT TO TIE YOUR HANDS TO A 50-YEAR PERIOD AND
THEREBY RISK NOT GETTING A TREATY AT THIS TIME.

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PAGE 02 PANAMA 01187 01 OF 02 030330Z

B. CONVERSATIONS WITH PANAMA'S DEPUTY NEGOTIATOR AND OTHER MEMBERS OF TORRIJO'S "SECRET NEGOTIATION GROUP" INDICATE THAT THE RISK OF NOT GETTING A TREATY IF WE INSIST ON A 50-YEAR PERIOD IS SIZEABLE. PANAMA'S NATIONALISTS ARE LOCKED INTO AN EMOTIONAL REJECTION OF ANYTHING THAT HAS A 50-YEAR TAG ON IT, SOLELY BECAUSE THAT IS A TAG THE UNITED STATES ATTACHED IN THE PAST. ON THIS THEY ARE NOT LIKELY TO BE COMPROMISERS. INDEED, IT IS NOT IMPOSSIBLE THAT THEY MIGHT ACCEPT A 49-YEAR PERIOD BUT GO TO THE WALL OVER A 50-YEAR ONE. OVERCOMING THOSE NATIONALISTS, MOREOVER, WOULD BE NEXT TO IMPOSSIBLE FOR TORRIJOS. THEIR STAMP OF APPROVAL ON A TREATY IS AN IMPERATIVE FOR HIM.

C. WERE IT POSSIBLE TO OBTAIN A 50-YEAR PERIOD, WE WOULD SURELY HAVE HAD TO SACRIFICE MASSIVELY TO GET IT. THOSE SACRIFICES WOULD LIE IN AREAS OF PARTICULAR INTEREST TO THE DEFENSE DEPARTMENT. CERTAINLY WE WOULD NOT GET ANY RIGHTS FOR A POST-TREATY UNITED STATES MILITARY PRESENCE IN PANAMA, NOR THE LARGE LAND-AND-WATER AREAS WE WISH TO RESERVE FOR THE UNITED STATES' USE. PROBABLY WE WOULD NOT GET THE SOFA-TYPE RIGHTS FOR PANCANAL EMPLOYEES. WHEREAS WITH A PERIOD ONLY A LITTLE SHORTER WE MIGHT WELL HAVE TO MAKE NO SUCH SACRIFICES. IT CAN BE ARGUED THAT WE WOULD BE JEOPARDIZING OUR BEST OVERALL REPEAT OVERALL SECURITY INTERESTS IN FIXING THE PERIOD IMMOVABLY AT 50 YEARS.

D. IT IS DIFFICULT TO BELIEVE THAT THE CONGRESS WOULD PERCEIVE A TELLING DIFFERENCE BETWEEN A SOMEWHAT SHORTER PERIOD (SAY, 40 TO 49 YEARS) AND A 50-YEAR ONE--OR THAT WE CAN NOW ENVISION THAT THE UNITED STATES' SECURITY INTERESTS WOULD BE INJURED BY A PERIOD A LITTLE SHORTER THAN 50 YEARS--PARTICULARLY BECAUSE THE SHORTER PERIOD WOULD PROBABLY BE ACCOMPANIED BY PANAMANIAN CONCESSIONS ENHANCING OUR OVERALL SECURITY INTERESTS. IT IS INTERESTING TO NOTE THAT THE DEFENSE DEPARTMENT HAS ACTUALLY JUSTIFIED ITS RECOMMENDATION OF THE SPECIFIC PERIOD OF 50 YEARS SOLELY ON THE BASIS OF ITS JUDGEMENT THAT THE CONGRESS WOULD NOT ACCEPT LESS--NOT ON THE BASIS OF NATIONAL SECURITY GROUNDS. THE LATTER WOULD SEEM TO BE WITHIN ITS EXCLUSIVE PROVINCE, THE FORMER NOT. IT FOLLOWS FROM THE FOREGOING REASONS THAT, IF THE EXECUTIVE BRANCH WISHES TO DO WHAT IT CAN TO ASSURE GETTING A TREATY AT THIS TIME, THE PRESIDENT SHOULD BE ASKED TO CONSIDER INSTRUCTING YOU ALONG THE FOLLOWING LINES, WHICH TAKE INTO ACCOUNT THE DEFENSE

SECRET

SECRET

PAGE 03 PANAMA 01187 01 OF 02 030330Z

DEPARTMENT'S POSITION:

A. MAKE A MAXIMUM EFFORT TO SECURE "...A MILITARY PRESENCE ON THE ISTHMUS OF PANAMA FOR THE LONGEST POSSIBLE TIME...", WITH A MINIMUM OF 50 YEARS AS THE OBJECTIVE;

B. RECEDE DOWNWARD FROM 50 YEARS TOWARD A MINIMUM OF 40 YEARS IF THE ACHIEVEMENT OF A TREATY AT THIS TIME CLEARLY HINGES UPON SUCH

A CONCESSION TO PANAMA; AND

C. REQUEST FURTHER INSTRUCTIONS PROMPTLY IN THE EVENT IT BECOMES APPARENT THAT UNDER THE PRESENT INSTRUCTIONS THE NEGOTIATIONS WITH PANAMA WILL FAIL OR SERIOUSLY FALTER.

III. WOULD LIKE TO RAISE ONE FURTHER THOUGHT WITH YOU. THERE IS A STRIKING INNONSISTENCY BETWEEN, ON ONE HAND, THE DEFENSE DEPARTMENT'S AGREEMENT ON THE STATE DEPARTMENT'S DRAFT NSDM (EXCEPT FOR THE 50-YEAR PROVISION) AND, ON THE OTHER HAND, ITS CURRENT POSITION ON THE LANDS AND WATERS ISSUE.

BY ITS AGREEMENT ON THE DRAFT NSDN, THE DEFENSE DEPARTMENT HAS AGREED TO THE FOLLOWING LANGUAGE:

--"THE DRAFT TREATY SHOULD REFLECT THE CONCEPT THAT THE INTERESTS OF THE UNITED STATES IN THE PANAMA CANAL WILL BEST BE PROTECTED BY OFFERING TO PANAMA A MEANINGFUL AND INCREASING (REPEAT INCREASING) PARTNERSHIP IN THE OPERATION AND DEFESNE OF THE CANAL OVER THE SPAN OF THE NEW TREATY...", AND, MORE IMPORTANTLY:

--"TO ASSURE SUCH ADEQUACY OF CONTROL IT IS ESSENTIAL TO ASSURE ALSO IN THE DRAFT TREATY THAT THE CONTROL BE EXERCISED WITH MINIMUM VISIBILITY (REPEAT, BE EXERCISED WITH MINIMUM VISIBILITY). NEGOTIATIONS WITH PANAMA HAVE BECOME A REQUIREMENT OF NATIONAL POLICY NOT SO MUCH BECAUSE OF THE FACT OF UNITED STATES CONTROL AS BECAUSE OF THE DOMINATING MANNER OF IT OVER MANY DECADES."

YET THE DEFENSE DEPARTMENT'S CURRENT POSITION ON THE LANDS AND WATERS ISSUE IS AT ODDS CONCEPTUALLY WITH "INCREASING" PANAMANIAN PARTICIPATION AND AT ODDS CONCEPTUALLY AND PRACTICALLY WITH EXERCISING CONTROL WITH "MINIMUM VISIBILITY". THE DEFENSE DEPART ZRT IS RELUCTANT TO AGREE TO LOWERING THE MILITARY VISIBILITY AT THE

SECRET

SECRET

PAGE 04 PANAMA 01187 01 OF 02 030330Z

OUTSET OF THE TREATY; TO STAGING THEREAFTER A DECLINE IN VISIBILITY OVER THE TREATY'S LIFETIME; AND TO REDUCING THE MILITARY VXSIBILITY, AT THE TREATY'S OUTSET AND THEREAFTER, IN LOCALES OF HIGHEST VISIBILITY--THE MILITARY AREAS SURROUNDING PANAMA'S URBAN CENTERS.

IT IS NOT POSSIBLE FROV HERE TO JUDGE WHICH OF THE TWO DEFENSE DEPARTMENT POSITIONS IS, AS A PRACTICAL MATTER, PREPONDERANT AT THIS JUNCTURE.

BUT IF IT HAPPENS THAT THE POSITION ON THE DRAFT NSDM IS, THEN PERHAPS THAT FACT CAN BE EXPLOITED IN THE LAND-USE TALKS YOU MENTIONED IN PARAGRAPH 2 REFTTEL.

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PAGE 01 PANAMA 01187 02 OF 02 030512Z

17

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W

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S E C R E T SECTION 2 OF 2 PANAMA 1187

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IT MIGHT BE POSSIBLE TO EXPLOIT ONE ADDITIONAL FACT IN THOSE TALKS. GONZALEZ-REVILLA SAID THE EVENING OF MARCH 1 THAT PANAMA WILL AGREE THAT "EVERYTHING MILITARY CAN REMAIN THE WAY IT IS NOW, FOR 10 YEARS". WE HAVE TO ASSUME, OF COURSE: THAT PANAMA WOULD PROBABLY INSIST AS "OPENERS" THAT THERE BE AN "INITIAL IMPACT" PHASE-OUT OF AN URBAN INSTALLATION. I BELIEVE WE SHOULD PROVIDE IT IF AT ALL POSSIBLE. THAT WOULD CONSTITUTE NEAR-PERFECT PROOF, FOR PANAMA AND THE INTERNATIONAL COMMUNITY, THAT WE ARE IMPLEMENTING WHAT THE SECRETARY SAID MARCH 1 ABOUT REDUCING OUR PRESENCE. TO PROVIDE IT, AND TO PHASE OUT OUR MILITARY PRESENCE OVER AN EXTENDED PERIOD, ESPECIALLY IN THE URBAN AREAS-WOULD BE ENTIRELY WITHIN EXISTING INSTRUCTIONS. THEY ASSERT SIMPLY THAT THE UNITED STATES SHOULD BE AS FORTHCOMING AS POSSIBLE TO PANAMA IN THE MATTER OF LANDS AND WATERS. PERHAPS YOUR NEXT VISIT IS AN APPROPRIATE OCCASION, FOR REASONS DESCRIBED IN A SEPARATE "STATUS REPORT" MESSAGE, TO BEGIN EXERCISING THE NEGOTIATORS' FLEXIBILITY, AT LEAST IN CONCEPTUAL TERMS.

IV. COMMENT BY AMBASSADOR JORDEN:

AS YOU KNOW, I HAVE KEPT MY INVOLVEMENT IN THE NEGOTIATING PROCESS TO A DISCREET MINIMUM FOR REASONS WE BOTH UNDERSTAND--MAINLY TO AVOID ANY BLURRING OF LINES OF RESPONSIBILITY BETWEEN THE PROCESS ITSELF AND THE FUNCTIONING OF THE U.S. MISSION HERE. BUT I AM BOUND BY CONSCIENCE AND SENSE OF RESPONSIBILITY TO GIVE YOU MY PERSONAL
SECRET

SECRET

PAGE 02 PANAMA 01187 02 OF 02 030512Z

REACTIONS TO THE LATEST DEVELOPMENT COVERED IN THE FOREGOING MESSAGE. THOSE REACTIONS ARE BASED ON CLOSE PERSONAL OBSERVATION AND CONTACT WITH ALL ELEMENTS OF PANAMANIAN SOCIETY, INCLUDING THOSE AT THE HIGHEST LEVEL OF RESPONSIBILITY IN THIS GOVERNMENT.

I HEARTILY ENDORSE WHAT IS SAID IN THE EARLIER PARAGRAPHS OF THIS MESSAGE FROM THE DEPUTY NEGOTIATOR INSOFAR AS IT QUESTIONS THE WISDOM OF THE COURSE PROPOSED IN THE DEFENSE DEPARTMENT'S REACTION TO SECRETARY KISSINGER'S PROPOSED MEMORANDUM TO THE PRESIDENT. BUT MY OWN REACTION IS CONSIDERABLY STRONGER. AT THIS HOINT IN HISTORY, TO SEEK ANOTHER 50 YEARS OF U.S. RESPONSIBILITY FOR CANAL DEFENSE IS FOLLY. TO SAY THAT THIS QUOTE MAY BE A LITTLE TOO MUCH FOR PANAMA TO SWALLOW UNQUOTE (SEE PAGE 1) IS A CONSIDERABLE UNDERSTATEMENT. IN FACT, PANAMA WILL CHOKE ON SUCH A PROPOSAL.

AS WE ALL KNOW, THE MOST VEXED QUESTION FOR PANAMA IN SEEKING REVISION OF THE 1903 TREATY HAS BEEN ITS PERPETUITY FEATURE. FOR THREE-FOURTHS OF ALL PANAMANIAN NOW LIVING, 50 YEARS IS REPEAT IS QUOTE PERPETUITY UNQUOTE. GENERAL TORRIJOS AND PROBABLY ALL OTHERS INVOLVED IN THIS NEGOTIATION WILL ALMOST CERTAINLY BE GONE BEFORE THE EXPIRATION OF SUCH A PERIOD. AND THEY ARE ACUTELY CONSCIOUS OF THAT FACT. THAT FUNDAMENTAL CONSIDERATION--NOT THE FACT THAT WE HAVE TALKED OF 50 YEARS IN PREVIOUS NEGOTIATIONS--IS THE FACTOR THAT WILL COMPEL PANAMANIAN REJECTION OF ANY 50-YEAR TERM. NOR DO I THINK THEY WILL ACCEPT 49 YEARS OR 45. I AM PERSUADED THEY WILL REPEAT WILL ACCEPT A PERIOD OF U.S. DEFENSE RESPONSIEOLITY LONGER THAN THAT INVOLVED IN CONTINUED U.S. OPERATION. BUT THE FORMER CAN PROBABLY ONLY BE EXTENDED AT THE PRICE OF SHORTENING THE LATTER. IN ANY CASE, AS I LOOK AT THIS PROBLEM I CONTINUALLY ASK MYSELF WHAT WE REALLY MEAN BY OUR SECURITY INTERESTS AND WHAT WE CAN DO TO BEST PROTECT THEM. THERE IS NO QUESTION IN MY MIND LOOKING AT PANAMA TODAY--AT THE FORCES AT WORK HERE, BOTH LOCAL AND EXTERIOR--THAT THE BEST GUARANTEE THAT OUR COUNTRY WILL BE ABLE TO HAVE AND PRESERVE WHAT WE MOST NEED AND WANT IN THIS COUNTRY LIES IN CLOSE COOPERATION AND FRIENDSHIP WITH THE PANAMANIAN PEOPLE AND WITH SUCH AUTHORITY AS MAY EXIST HERE AT ANY GIVEN TIME.

SECRET

SECRET

PAGE 03 PANAMA 01187 02 OF 02 030512Z

ANY THREE TRAINED SABOTEURS, ON ANY DARK NIGHT, CAN PUT THE CANAL OUT OF OPERATION FOR A YEAR OR TWO. THE BEST DEFENSE AGAINST THAT HAPPENING WILL BE AN ATMOSPHERE IN WHICH SUCH ACTION WOULD BE

REOARDED AS TREASON TO PANAMA.

WE HAVE DEVELOPED CLOSE AND EFFECTIVE TIES WITH THE PANAMANIAN MILITARY FORCES--THE GUARDIA NACIONAL--OVER THE YEARS. THOSE TIES ARE RIGHT NOW PROBABLY CLOSER AND MORE USEFUL THAN AT ANY TIME IN RECENT YEARS. THOSE TIES NEED TO BE NOURISHED AND STRENGTHENED. IT CAN BE DONE--IF WE ARE PERCEPTIVE ENOUGH AND IMAGINATIVE AND KEEP CONSTANTLY IN MIND WHAT REAL U.S. SECURITY IS IN THE 1970'S, AND DOWN THE ROAD. INSISTENCE ON A 50-YEAR CLAUSE FOR DEFENSE VIRTUALLY GUARANTEES PANAMANIAN REJECTION OF A TREATY. TORRIJOS IS NOT GOING TO ACCEPT SUCH A PROPOSAL AT THE ALMOST CERTAIN RISK OF HIS POLITICAL DEMISE. AS FOR THE U.S. NATIONAL INTEREST--WHICH IS UPPERMOST IN OUR MINDS--WE WILL DO BETTER TO GET A REASONABLE TREATY, EVEN IF IT IS ONE THE CONGRESS IN ITS WISDOM REJECTS, THAN TO FAIL TO ACHIEVE WHAT IS--IN MY PERCEPTION--SO CLOSE AT HAND.

TORRIJOS HAS TOLD ME AND OTHERS THAT HE CAN WAIT FOR A TREATY THAT IS JUST AND FAIR. I AM NOT PERSUADED THAT HE CAN WAIT IN-DEFINITELY. I AM MORE STRONGLY PERSUADED THAT OUR COUNTRY--IN DEALING NOT MERELY WITH PANAMA BUT WITH LATIN AMERICA AS A WHOLE--CANNOT WAIT AND SHOULD NOT WAIT TOO LONG. FOR WE ARE AT ONE OF THOSE MOMENTS WHEN WE CAN SUCCEED NOBLY OR FAIL UTTERLY. I PRAY WE HAVE THE WISDOM TO CHOOSE WELL.
JORDEN

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